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Agenda item 75

Report of the International Law Commission on the work of its sixtieth session

Report of the Sixth Committee

Rapporteur: Mr. Marko **Rakovec** (Slovenia)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its sixtieth session" was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 62/66 of 6 December 2007.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 16th to 26th meetings, from 27 to 31 October and from 3 to 5 and on 14 November. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.16-26).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its sixtieth session.[1]

5. The Chairman of the International Law Commission at its sixtieth session introduced the report of the Commission: chapters I to V and XII at the 16th meeting, on 27 October, chapters VI to VIII at the 18th meeting, on 29 October, and chapters IX to XI at the 22nd meeting, on 31 October (see A/C.6/63/SR.16, 18 and 22).

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 10* (A/63/10).

08-52181 (E) 281108

II. Consideration of proposals

A. Draft resolution A/C.6/63/L.20

6. At the 26th meeting, on 14 November, the representative of New Zealand, on behalf of the Bureau, introduced a draft resolution entitled "Report of the International Law Commission on the work of its sixtieth session" (A/C.6/63/L.20) and orally revised it by adding, after operative paragraph 8, the following paragraph:

> "*Requests* the Secretary-General to submit to the General Assembly, in accordance with the established procedures, and bearing in mind its resolution 56/272 of 27 March 2002, a report on the assistance currently provided to special rapporteurs and options regarding additional support of the work of special rapporteurs;"

and renumbering the remaining paragraphs accordingly.

7. At the same meeting the Committee adopted draft resolution A/C.6/63/L.20, as orally revised, without a vote (see para. 10, draft resolution I).

B. Draft resolution A/C.6/63/L.21

8. At the 26th meeting, on 14 November, the representative of New Zealand, on behalf of the Bureau, introduced a draft resolution entitled "The law of transboundary aquifers" (A/C.6/63/L.21).

9. At the same meeting, the Committee adopted draft resolution A/C.6/63/L.21 without a vote (see para. 10, draft resolution II).

III. Recommendations of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the International Law Commission on the work of its sixtieth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its sixtieth session,[1]

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Reaffirming the importance to the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Recalling the role of Member States in submitting proposals for the consideration of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 10* (A/63/10).

[2] Resolution 2625 (XXV), annex.

conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its sixtieth session,[1] and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its sixtieth session, in particular for the following accomplishments:

(a) The completion of the second reading of the draft articles on the law of transboundary aquifers under the topic "Shared natural resources";

(b) The completion of the first reading of the draft articles on the topic "Effects of armed conflicts on treaties";

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report,[3] regarding:

(a) Reservations to treaties;

(b) Responsibility of international organizations;

(c) Protection of persons in the event of disasters;

4. *Invites* Governments, within the context of paragraph 3 above, to provide information to the International Law Commission regarding practice with regard to the topics "Reservations to treaties" and "Protection of persons in the event of disasters";

5. *Draws the attention* of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2010 on the draft articles and commentaries on the topic "Effects of armed conflicts on treaties" adopted on first reading by the Commission at its sixtieth session;[4]

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[3] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 10* (A/63/10), paras. 26-33.

[4] Ibid., para. 63.

6. *Takes note* of the decision of the International Law Commission to include the topics "Treaties in time" and "The Most-Favoured-Nation clause" in its programme of work;[5]

7. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to that end;

8. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions without prejudice to the efficiency of its work;

9. *Requests* the Secretary-General to submit to the General Assembly, in accordance with the established procedures, and bearing in mind its resolution 56/272 of 27 March 2002, a report on the assistance currently provided to special rapporteurs and options regarding additional support of the work of special rapporteurs;

10. *Takes note* of paragraph 363 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 4 May to 5 June and from 6 July to 7 August 2009;

11. *Welcomes* the enhanced dialogue between the International Law Commission and the Sixth Committee at the sixty-third session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-fourth session of the Assembly;

12. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

13. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

14. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. *Takes note* of paragraphs 336 to 340 of the report of the International Law Commission and commends the convening of the sixtieth anniversary commemorative meeting in Geneva on 19 and 20 May 2008, and also commends Member States, in association with existing regional organizations, professional associations, academic institutions and members of the Commission, that convened national or regional meetings dedicated to the work of the Commission;

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[5] Ibid., paras. 353 and 354 .

16. *Also takes note* of paragraphs 355 and 356 of the report of the International Law Commission with regard to cooperation with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

17. *Encourages* the International Law Commission to undertake consultations, if it finds it appropriate, with key humanitarian actors, including the United Nations and the International Federation of Red Cross and Red Crescent Societies, in connection with work on the topic "Protection of persons in the event of disasters";

18. *Notes* that the International Law Commission, in accordance with article 26, paragraph 1, of its statute, envisages a meeting during its sixty-first session with legal advisers of international organizations within the United Nations system, in order to hold a discussion on matters of mutual interest;

19. *Also notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

20. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission;

21. *Approves* the conclusions reached by the International Law Commission in paragraph 359 of its report, and reaffirms its previous decisions concerning the documentation and summary records of the Commission;[6]

22. *Takes note* of paragraph 360 of the report of the International Law Commission and, without prejudice to the importance of ensuring necessary allocations in the regular budget, acknowledges the establishment by the Secretary-General of a trust fund to accept voluntary contributions so as to address the backlog relating to the *Yearbook of the International Law Commission*, and invites voluntary contributions to that end;

23. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;[7]

24. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

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[6] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

[7] www.un.org/law/ilc.

25. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

26. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the sixty-third session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

27. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

28. *Encourages* the International Law Commission to continue considering ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

29. *Recommends* that the debate on the report of the International Law Commission at the sixty-fourth session of the General Assembly commence on 26 October 2009.

Draft resolution II
The law of transboundary aquifers

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its sixtieth session,[1] which contains the draft articles on the law of transboundary aquifers,

Noting that the Commission decided to recommend to the General Assembly (a) to take note of the draft articles on the law of transboundary aquifers in a resolution, and to annex the articles to the resolution; (b) to recommend to States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers on the basis of the principles enunciated in the articles; and (c) to also consider, at a later stage, and in view of the importance of the topic, the elaboration of a convention on the basis of the draft articles,[2]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of the law of transboundary aquifers is of major importance in the relations of States,

Taking note of the comments of Governments and the discussion in the Sixth Committee at the sixty-third session of the General Assembly on this topic,

1. *Welcomes* the conclusion of the work of the International Law Commission on the law of transboundary aquifers and its adoption of the draft articles and a detailed commentary on the subject;

2. *Expresses its appreciation* to the Commission for its continuing contribution to the codification and progressive development of international law;

3. *Also expresses its appreciation* to the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization and to other relevant organizations for the valuable scientific and technical assistance rendered to the International Law Commission;[3]

4. *Takes note* of the draft articles on the law of transboundary aquifers, presented by the Commission, the text of which is annexed to the present resolution, and commends them to the attention of Governments without prejudice to the question of their future adoption or other appropriate action;

5. *Encourages* the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of these draft articles;

6. *Decides* to include in the provisional agenda of its sixty-sixth session an item entitled "The law of transboundary aquifers" with a view to examining, inter alia, the question of the form that might be given to the draft articles.

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 10* (A/63/10).

[2] Ibid., para. 49.

[3] Ibid., para. 51.

Annex
The law of transboundary aquifers

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Conscious of the importance for humankind of life-supporting groundwater resources in all regions of the world,

Bearing in mind Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Recalling General Assembly resolution 1803 (XVII) of 14 December 1962 on permanent sovereignty over natural resources,

Reaffirming the principles and recommendations adopted by the United Nations Conference on Environment and Development of 1992 in the Rio Declaration on Environment and Development[4] and Agenda 21,[5]

Taking into account increasing demands for freshwater and the need to protect groundwater resources,

Mindful of the particular problems posed by the vulnerability of aquifers to pollution,

Convinced of the need to ensure the development, utilization, conservation, management and protection of groundwater resources in the context of the promotion of the optimal and sustainable development of water resources for present and future generations,

Affirming the importance of international cooperation and good-neighbourliness in this field,

Emphasizing the need to take into account the special situation of developing countries,

Recognizing the necessity to promote international cooperation,

...

Part one
Introduction

Article 1
Scope

The present articles apply to:

(a) Utilization of transboundary aquifers or aquifer systems;

(b) Other activities that have or are likely to have an impact upon such aquifers or aquifer systems; and

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[4] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

[5] Ibid., annex II.

(c) Measures for the protection, preservation and management of such aquifers or aquifer systems.

Article 2
Use of terms

For the purposes of the present articles:

(a) "aquifer" means a permeable water bearing geological formation underlain by a less permeable layer and the water contained in the saturated zone of the formation;

(b) "aquifer system" means a series of two or more aquifers that are hydraulically connected;

(c) "transboundary aquifer" or "transboundary aquifer system" means, respectively, an aquifer or aquifer system, parts of which are situated in different States;

(d) "aquifer State" means a State in whose territory any part of a transboundary aquifer or aquifer system is situated;

(e) "utilization of transboundary aquifers or aquifer systems" includes extraction of water, heat and minerals, and storage and disposal of any substance;

(f) "recharging aquifer" means an aquifer that receives a non-negligible amount of contemporary water recharge;

(g) "recharge zone" means the zone which contributes water to an aquifer, consisting of the catchment area of rainfall water and the area where such water flows to an aquifer by run-off on the ground and infiltration through soil;

(h) "discharge zone" means the zone where water originating from an aquifer flows to its outlets, such as a watercourse, a lake, an oasis, a wetland or an ocean.

Part two
General principles

Article 3
Sovereignty of aquifer States

Each aquifer State has sovereignty over the portion of a transboundary aquifer or aquifer system located within its territory. It shall exercise its sovereignty in accordance with international law and the present articles.

Article 4
Equitable and reasonable utilization

Aquifer States shall utilize transboundary aquifers or aquifer systems according to the principle of equitable and reasonable utilization, as follows:

(a) They shall utilize transboundary aquifers or aquifer systems in a manner that is consistent with the equitable and reasonable accrual of benefits therefrom to the aquifer States concerned;

(b) They shall aim at maximizing the long-term benefits derived from the use of water contained therein;

(c) They shall establish individually or jointly a comprehensive utilization plan, taking into account present and future needs of, and alternative water sources for, the aquifer States; and

(d) They shall not utilize a recharging transboundary aquifer or aquifer system at a level that would prevent continuance of its effective functioning.

Article 5
Factors relevant to equitable and reasonable utilization

1. Utilization of a transboundary aquifer or aquifer system in an equitable and reasonable manner within the meaning of article 4 requires taking into account all relevant factors, including:

(a) The population dependent on the aquifer or aquifer system in each aquifer State;

(b) The social, economic and other needs, present and future, of the aquifer States concerned;

(c) The natural characteristics of the aquifer or aquifer system;

(d) The contribution to the formation and recharge of the aquifer or aquifer system;

(e) The existing and potential utilization of the aquifer or aquifer system;

(f) The actual and potential effects of the utilization of the aquifer or aquifer system in one aquifer State on other aquifer States concerned;

(g) The availability of alternatives to a particular existing and planned utilization of the aquifer or aquifer system;

(h) The development, protection and conservation of the aquifer or aquifer system and the costs of measures to be taken to that effect;

(i) The role of the aquifer or aquifer system in the related ecosystem.

2. The weight to be given to each factor is to be determined by its importance with regard to a specific transboundary aquifer or aquifer system in comparison with that of other relevant factors. In determining what is equitable and reasonable utilization, all relevant factors are to be considered together and a conclusion reached on the basis of all the factors. However, in weighing different kinds of utilization of a transboundary aquifer or aquifer system, special regard shall be given to vital human needs.

Article 6
Obligation not to cause significant harm

1. Aquifer States shall, in utilizing transboundary aquifers or aquifer systems in their territories, take all appropriate measures to prevent the causing of significant harm to other aquifer States or other States in whose territory a discharge zone is located.

2. Aquifer States shall, in undertaking activities other than utilization of a transboundary aquifer or aquifer system that have, or are likely to have, an impact upon that transboundary aquifer or aquifer system, take all appropriate measures to

prevent the causing of significant harm through that aquifer or aquifer system to other aquifer States or other States in whose territory a discharge zone is located.

3. Where significant harm nevertheless is caused to another aquifer State or a State in whose territory a discharge zone is located, the aquifer State whose activities cause such harm shall take, in consultation with the affected State, all appropriate response measures to eliminate or mitigate such harm, having due regard for the provisions of articles 4 and 5.

Article 7
General obligation to cooperate

1. Aquifer States shall cooperate on the basis of sovereign equality, territorial integrity, sustainable development, mutual benefit and good faith in order to attain equitable and reasonable utilization and appropriate protection of their transboundary aquifers or aquifer systems.

2. For the purpose of paragraph 1, aquifer States should establish joint mechanisms of cooperation.

Article 8
Regular exchange of data and information

1. Pursuant to article 7, aquifer States shall, on a regular basis, exchange readily available data and information on the condition of their transboundary aquifers or aquifer systems, in particular of a geological, hydrogeological, hydrological, meteorological and ecological nature and related to the hydrochemistry of the aquifers or aquifer systems, as well as related forecasts.

2. Where knowledge about the nature and extent of a transboundary aquifer or aquifer system is inadequate, aquifer States concerned shall employ their best efforts to collect and generate more complete data and information relating to such aquifer or aquifer system, taking into account current practices and standards. They shall take such action individually or jointly and, where appropriate, together with or through international organizations.

3. If an aquifer State is requested by another aquifer State to provide data and information relating to an aquifer or aquifer system that are not readily available, it shall employ its best efforts to comply with the request. The requested State may condition its compliance upon payment by the requesting State of the reasonable costs of collecting and, where appropriate, processing such data or information.

4. Aquifer States shall, where appropriate, employ their best efforts to collect and process data and information in a manner that facilitates their utilization by the other aquifer States to which such data and information are communicated.

Article 9
Bilateral and regional agreements and arrangements

For the purpose of managing a particular transboundary aquifer or aquifer system, aquifer States are encouraged to enter into bilateral or regional agreements or arrangements among themselves. Such agreements or arrangements may be entered into with respect to an entire aquifer or aquifer system or any part thereof or

a particular project, programme or utilization except insofar as an agreement or arrangement adversely affects, to a significant extent, the utilization by one or more other aquifer States of the water in that aquifer or aquifer system, without their express consent.

Part three
Protection, preservation and management

Article 10
Protection and preservation of ecosystems

Aquifer States shall take all appropriate measures to protect and preserve ecosystems within, or dependent upon, their transboundary aquifers or aquifer systems, including measures to ensure that the quality and quantity of water retained in an aquifer or aquifer system, as well as that released through its discharge zones, are sufficient to protect and preserve such ecosystems.

Article 11
Recharge and discharge zones

1. Aquifer States shall identify the recharge and discharge zones of transboundary aquifers or aquifer systems that exist within their territory. They shall take appropriate measures to prevent and minimize detrimental impacts on the recharge and discharge processes.

2. All States in whose territory a recharge or discharge zone is located, in whole or in part, and which are not aquifer States with regard to that aquifer or aquifer system, shall cooperate with the aquifer States to protect the aquifer or aquifer system and related ecosystems.

Article 12
Prevention, reduction and control of pollution

Aquifer States shall, individually and, where appropriate, jointly, prevent, reduce and control pollution of their transboundary aquifers or aquifer systems, including through the recharge process, that may cause significant harm to other aquifer States. Aquifer States shall take a precautionary approach in view of uncertainty about the nature and extent of a transboundary aquifer or aquifer system and of its vulnerability to pollution.

Article 13
Monitoring

1. Aquifer States shall monitor their transboundary aquifers or aquifer systems. They shall, wherever possible, carry out these monitoring activities jointly with other aquifer States concerned and, where appropriate, in collaboration with competent international organizations. Where monitoring activities cannot be carried out jointly, the aquifer States shall exchange the monitored data among themselves.

2. Aquifer States shall use agreed or harmonized standards and methodology for monitoring their transboundary aquifers or aquifer systems. They should identify key parameters that they will monitor based on an agreed conceptual model of the aquifers or aquifer systems. These parameters should include

parameters on the condition of the aquifer or aquifer system as listed in article 8, paragraph 1, and also on the utilization of the aquifers or aquifer systems.

Article 14
Management

Aquifer States shall establish and implement plans for the proper management of their transboundary aquifers or aquifer systems. They shall, at the request of any of them, enter into consultations concerning the management of a transboundary aquifer or aquifer system. A joint management mechanism shall be established, wherever appropriate.

Article 15
Planned activities

1. When a State has reasonable grounds for believing that a particular planned activity in its territory may affect a transboundary aquifer or aquifer system and thereby may have a significant adverse effect upon another State, it shall, as far as practicable, assess the possible effects of such activity.

2. Before a State implements or permits the implementation of planned activities which may affect a transboundary aquifer or aquifer system and thereby may have a significant adverse effect upon another State, it shall provide that State with timely notification thereof. Such notification shall be accompanied by available technical data and information, including any environmental impact assessment, in order to enable the notified State to evaluate the possible effects of the planned activities.

3. If the notifying and the notified States disagree on the possible effect of the planned activities, they shall enter into consultations and, if necessary, negotiations with a view to arriving at an equitable resolution of the situation. They may utilize an independent fact-finding body to make an impartial assessment of the effect of the planned activities.

Part four
Miscellaneous provisions

Article 16
Technical cooperation with developing States

States shall, directly or through competent international organizations, promote scientific, educational, technical, legal and other cooperation with developing States for the protection and management of transboundary aquifers or aquifer systems, including, inter alia:

(a) Strengthening their capacity-building in scientific, technical and legal fields;

(b) Facilitating their participation in relevant international programmes;

(c) Supplying them with necessary equipment and facilities;

(d) Enhancing their capacity to manufacture such equipment;

(e) Providing advice on and developing facilities for research, monitoring, educational and other programmes;

(f) Providing advice on and developing facilities for minimizing the detrimental effects of major activities affecting their transboundary aquifer or aquifer system;

(g) Providing advice in the preparation of environmental impact assessments;

(h) Supporting the exchange of technical knowledge and experience among developing States with a view to strengthening cooperation among them in managing the transboundary aquifer or aquifer system.

Article 17
Emergency situations

1. For the purpose of the present article, "emergency" means a situation, resulting suddenly from natural causes or from human conduct, that affects a transboundary aquifer or aquifer system and poses an imminent threat of causing serious harm to aquifer States or other States.

2. The State within whose territory the emergency originates shall:

(a) Without delay and by the most expeditious means available, notify other potentially affected States and competent international organizations of the emergency;

(b) In cooperation with potentially affected States and, where appropriate, competent international organizations, immediately take all practicable measures necessitated by the circumstances to prevent, mitigate and eliminate any harmful effect of the emergency.

3. Where an emergency poses a threat to vital human needs, aquifer States, notwithstanding articles 4 and 6, may take measures that are strictly necessary to meet such needs.

4. States shall provide scientific, technical, logistical and other cooperation to other States experiencing an emergency. Cooperation may include coordination of international emergency actions and communications, making available emergency response personnel, emergency response equipment and supplies, scientific and technical expertise and humanitarian assistance.

Article 18
Protection in time of armed conflict

Transboundary aquifers or aquifer systems and related installations, facilities and other works shall enjoy the protection accorded by the principles and rules of international law applicable in international and non-international armed conflict and shall not be used in violation of those principles and rules.

Article 19
Data and information vital to national defence or security

Nothing in the present articles obliges a State to provide data or information vital to its national defence or security. Nevertheless, that State shall cooperate in good faith with other States with a view to providing as much information as possible under the circumstances.

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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee

Rapporteur: Mr. Marko **Rakovec** (Slovenia)

I. Introduction

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 61/30 of 4 December 2006.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 13th, 14th and 26th meetings, on 23 and 24 October and 14 November 2008. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.13, 14 and 26).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/63/118 and Corr.1 and A/63/118/Add.1);

(b) Letter dated 2 October 2008 from the representative of Switzerland to the Secretary-General (A/63/467-S/2008/636).

08-52187 (E) 021208

II. Consideration of draft resolution A/C.6/63/L.15

5. At the 26th meeting, on 14 November, the representative of Sweden, on behalf of Albania, Argentina, Australia, Austria, Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, the Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zambia, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/63/L.15).

6. At the same meeting, the Committee adopted draft resolution A/C.6/63/L.15 without a vote (see para. 8).

7. Before the adoption of the draft resolution, the representative of Egypt made a statement in explanation of position; after the adoption of the draft resolution, the representative of Israel made a statement in explanation of position (see A/C.6/63/SR.26).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994, 51/155 of 16 December 1996, 53/96 of 8 December 1998, 55/148 of 12 December 2000, 57/14 of 19 November 2002, 59/36 of 2 December 2004 and 61/30 of 4 December 2006,

Having considered the report of the Secretary-General,[1]

Thanking Member States and the International Committee of the Red Cross for their contribution to the report of the Secretary-General,

Reaffirming the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Humanitarian Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I[2] to the Geneva Conventions of 1949,[3]

Stressing also the possibility for the International Humanitarian Fact-Finding Commission to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I,

Stressing further the need to consolidate the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions and the Additional Protocols,[4]

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meetings of representatives of those bodies organized by the International Committee of the Red Cross to facilitate the sharing of concrete experience and the exchange of views on their roles and on the challenges they face,

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[1] A/63/118 and Corr.1 and Add.1.

[2] United Nations, *Treaty Series*, vol. 1125, No. 17512.

[3] Ibid., vol. 75, Nos. 970-973.

[4] Ibid., vol. 1125, Nos. 17512 and 17513.

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the Additional Protocols,

Recalling the undertakings at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007, which reaffirmed the need to reinforce the implementation of and respect for international humanitarian law,

Noting the serious concern expressed by States regarding the humanitarian impact caused by cluster munitions, and taking note of the adoption of the Convention on Cluster Munitions[5] in Dublin on 30 May 2008 and the ongoing negotiation of a proposal on this subject within the context of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Noting also the entry into force, on 14 January 2007, of the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) of 8 December 2005,

Welcoming the significant debate generated by the publication in 2005 of the study by the International Committee of the Red Cross on Customary International Humanitarian Law and current initiatives by the Committee to update volume II of the study, on practice, as well as the growing number of translations into other languages of parts of the study, and looking forward to further constructive discussion on the subject,

Calling upon Member States to disseminate knowledge of international humanitarian law as widely as possible, and calling upon all parties to armed conflict to apply international humanitarian law,

Noting the special responsibilities of national Red Cross and Red Crescent societies, as auxiliaries to the public authorities of their respective States in the humanitarian field, to cooperate with and assist their Governments in the promotion, dissemination and implementation of international humanitarian law,

Acknowledging the fact that the Rome Statute of the International Criminal Court,[6] which entered into force on 1 July 2002, includes the most serious crimes of international concern under international humanitarian law, and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Acknowledging also the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

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[5] See A/C.1/63/5, enclosure, part II.

[6] United Nations, *Treaty Series*, vol. 2187, No. 38544.

1. *Welcomes* the universal acceptance of the Geneva Conventions of 1949,[3] and notes the trend towards a similarly wide acceptance of the two Additional Protocols of 1977;[4]

2. *Calls upon* all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I,[2] or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol and to consider making use, where appropriate, of the services of the International Humanitarian Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict[7] and the two Protocols thereto, and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

6. *Notes with appreciation* the adoption by the Thirtieth International Conference of the Red Cross and Red Crescent of resolution 3, on the reaffirmation and implementation of international humanitarian law, entitled "Preserving human life and dignity in armed conflict", which, inter alia, reiterates the obligation of States to take national measures to implement international humanitarian law, including training of the armed forces and making this law known among the general public, as well as the adoption of legislation to punish war crimes in accordance with their international obligations;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective;

8. *Welcomes* the advisory service activities of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

9. *Also welcomes* the increasing number of national commissions or committees for the implementation of international humanitarian law and for promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

10. *Calls upon* States to consider becoming parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[8]

11. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen

[7] Ibid., vol. 249, No. 3511.

[8] Ibid., vol. 2173, No. 27531.

the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

12. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee

Rapporteur: Mr. Marko **Rakovec** (Slovenia)

I. Introduction

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 61/31 of 4 December 2006.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 14th, 25th and 26th meetings, on 24 October and 5 and 14 November 2008. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.14, 25 and 26).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/63/121 and Add.1 and Add.1/Corr.1).

II. Consideration of draft resolution A/C.6/63/L.12

5. At the 25th meeting, on 5 November, the representative of Finland, on behalf of Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Ghana, Hungary, Iceland, Ireland, Italy, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mexico, the Netherlands, Nicaragua, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Moldova,

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Romania, the Russian Federation, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland, subsequently joined by Albania, Benin, Burkina Faso, Ecuador, Gabon, Israel, Latvia, Madagascar and Montenegro, introduced a draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/63/L.12).

6. At its 26th meeting, on 14 November, the Committee adopted draft resolution A/C.6/63/L.12 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established pursuant to General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Takes note* of the report of the Secretary-General;[1]

[1] A/63/121 and Add.1 and Add.1/Corr.1.

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to strictly observe, implement and enforce the applicable principles and rules of international law governing diplomatic and consular relations, including during a period of armed conflict, and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. *Also urges* States to take all appropriate measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, including during a period of armed conflict, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

5. *Recommends* that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. *Calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. *Requests*:

(a) All States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

(b) The State in which the violation took place — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

(c) The States so reporting to consider using or taking into account the guidelines prepared by the Secretary-General;[2]

11. *Requests* the Secretary-General:

(a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 10 above;

(b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 10 above, unless the reporting State requests otherwise;

(c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 10 above, when a serious violation has been reported pursuant to subparagraph 10 (a) above;

(d) To address reminders to States where such violations have occurred if reports pursuant to subparagraph 10 (a) above or follow-up reports pursuant to subparagraph 10 (b) above have not been made within a reasonable period of time;

12. *Also requests* the Secretary-General to invite States, in the circular note referred to in paragraph 11 (a) above, to inform him of their views with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

13. *Further requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report containing:

(a) Information on the state of ratification of, and accessions to, the instruments referred to in paragraph 8 above;

(b) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;

14. *Invites* the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 13 above;

15. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

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[2] A/42/485, annex.

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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mr. Marko **Rakovec** (Slovenia)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 62/69 of 6 December 2007.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 12th, 13th and 26th meetings, on 22 and 23 October and 14 November 2008. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.12, 13 and 26).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

(b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/63/98);

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 33* (A/63/33).

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(c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/63/224).

5. At the 12th meeting, on 22 October, the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee (see A/C.6/63/SR.12).

II. Consideration of draft resolution A/C.6/63/L.19

6. At the 26th meeting, on 14 November, the representative of Egypt, on behalf of the Bureau, introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/63/L.19).

7. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

8. Also at the same meeting, the Committee adopted draft resolution A/C.6/63/L.19 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

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[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 47* (A/62/47).

[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[3]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 62/69 of 6 December 2007,

Having considered the report of the Special Committee on the work of its session held in 2008,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

2. *Decides* that the Special Committee shall hold its next session from 17 to 25 February 2009;

3. *Requests* the Special Committee, at its session in 2009, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2009;

(b) To continue its consideration, on a priority basis, of the working document submitted by the Russian Federation, entitled "Basic conditions and standard criteria for introduction and implementation of sanctions", with a view to focusing on the outstanding issues;

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[3] A/63/98.

[4] See resolution 60/1.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[6] Ibid., *Sixty-third Session, Supplement No. 33* (A/63/33).

(c) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[7] and the proposals submitted on the question;

(d) To keep on its agenda the question of the peaceful settlement of disputes between States;

(e) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

(f) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Notes* that the Special Committee decided not to keep on its agenda the topic relating to the consideration of the working paper submitted by the Russian Federation, entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations";

5. *Invites* the Special Committee at its session in 2009 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-fourth session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note, consistent with Article 96 of the Charter, of the Court's advisory jurisdiction that may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as

[7] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1 and A/63/224.

the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Notes with appreciation* the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*;

11. *Reiterates* its call for voluntary contributions to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*, and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;

13. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire* and, in particular, with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952;[8]

14. *Requests* the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the General Assembly at its sixty-fourth session;

15. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 11 of his report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions;[9]

16. *Further requests* the Secretary-General to submit a report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions to the General Assembly at its sixty-fourth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization";

17. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[8] A/2170.

[9] A/63/224.

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The rule of law at the national and international levels

Report of the Sixth Committee

Rapporteur: Mr. Marko **Rakovec** (Slovenia)

I. Introduction

1. The item entitled "The rule of law at the national and international levels" was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 62/70 of 6 December 2007.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 6th, 7th, 8th and 26th meetings, on 13 and 14 October and 14 November 2008. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.6, 7, 8 and 26).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the rule of law at the national and international levels (A/63/64);

(b) Letter dated 18 April 2008 from the representative of Austria to the Secretary-General (A/63/69-S/2008/270);

(c) Report of the Secretary-General on revised estimates relating to the programme budget for the biennium 2008-2009 related to the Rule of Law Unit (A/63/154);

(d) Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/63/226);

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(e) Letter dated 30 June 2008 from the representative of Cuba to the Secretary-General (A/63/281-S/2008/431);

(f) Letter dated 20 October 2008 from the representative of Azerbaijan to the Secretary-General (A/63/497-S/2008/668);

(g) Letter dated 23 October 2008 from the representative of the Islamic Republic of Iran to the Secretary-General (A/63/507-S/2008/675);

(h) Letter dated 24 September 2008 from the representative of the Islamic Republic of Iran to the Secretary-General (A/C.6/63/2).

II. Consideration of draft resolution A/C.6/63/L.17

5. At the 26th meeting, on 14 November, the representative of Mexico, on behalf of the Bureau, introduced a draft resolution entitled "The rule of law at the national and international levels" (A/C.6/63/L.17). The Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.6/63/L.17 without a vote (see para. 8).

7. Following the adoption of the draft resolution, the Committee agreed that the understanding reached in connection with operative paragraph 10 of the draft resolution would be issued in a note by the Chairman (A/C.6/63/L.23), reading:

> The Sixth Committee reached the understanding set out below in connection with operative paragraph 10 of the draft resolution entitled "The rule of law at the national and international levels" (A/C.6/63/L.17) which it adopted at its 26th meeting on 14 November 2008.
>
> **Promoting the rule of law at the international level**
>
> Delegates may wish to comment on issues such as strengthening an international system based on the rule of law, the role of the United Nations, including the International Court of Justice, in the peaceful settlement of disputes, promoting respect for the purposes and principles of the Charter of the United Nations, other international dispute resolution mechanisms etc.
>
> **Laws and practices of Member States in implementing international law**
>
> Delegations may wish to comment on issues such as their laws and practices in the domestic implementation and interpretation of international law, strengthening and improving coordination and coherence of technical assistance and capacity-building in this area, mechanisms and criteria for evaluating the effectiveness of such assistance, ways and means of advancing donor coherence, perspectives of recipient States etc.
>
> **Rule of law and transitional justice in conflict and post-conflict situations**
>
> Delegations may wish to comment on issues such as combating impunity and strengthening criminal justice, the role and future of national and international transitional justice and accountability mechanisms, informal justice systems etc.

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 62/70 of 6 December 2007,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming also that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming further the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

Recalling paragraph 134 (e) of the 2005 World Summit Outcome,[1]

1. *Notes with appreciation* the inventory of current rule of law activities of the United Nations submitted by the Secretary-General[2] and the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;[3]

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[1] See resolution 60/1.

[2] See A/63/64.

[3] A/63/226.

2. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;

3. *Stresses* the importance of adherence to the rule of law at the national level, and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, based on greater coordination and coherence within the United Nations system and among donors, and calls for greater evaluation of the effectiveness of such activities;

4. *Calls upon* the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

5. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General, and requests the Secretary-General to submit an annual report on United Nations rule of law activities, in particular the work of the Group and the Unit, with special regard to the improvement of the coordination, coherence and effectiveness of rule of law activities, taking note of the elements set out in paragraphs 77 and 78 of the report of the Secretary-General;[3]

6. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

7. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

8. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to interact with Member States, in particular in informal briefings;

9. *Stresses* the need to consider without delay the report of the Secretary-General on the resource requirements of the Unit,[4] and urges the Secretary-General and Member States to continue to support the functioning of the Unit during the interim phase;

10. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "The rule of law at the national and international levels", and invites Member States to focus their comments in future Sixth Committee debates on the sub-topics "Promoting the rule of law at the international level" (sixty-fourth session), "Laws and practices of Member States in implementing international law" (sixty-fifth session), and "Rule of law and transitional justice in conflict and post-conflict situations" (sixty-sixth session),[5] without prejudice to the consideration of the item as a whole.

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[4] See A/63/154.

[5] For further explanations on the sub-topics see A/C.6/63/L.23.

United Nations A/63/444

General Assembly

Distr.: General
17 November 2008

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Sixty-third session
Agenda item 99

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Marko **Rakovec** (Slovenia)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 62/71 of 6 December 2007.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 2nd to 4th, 14th and 26th meetings, on 8, 9 and 24 October and 14 November 2008. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.2-4, 14 and 26).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism (A/63/89);

(c) Report of the Secretary-General on measures to eliminate international terrorism (A/63/173 and Add.1);

(d) Letter dated 30 June 2008 from the representative of Cuba to the Secretary-General (A/63/281-S/2008/431);

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 37* (A/63/37).

08-52211 (E) 011208

(e) Letter dated 8 July 2008 from the representative of Italy to the Secretary-General transmitting four resolutions adopted by the 118th Assembly of the Inter-Parliamentary Union at Cape Town, South Africa, on 18 April 2008 (A/63/123);

(f) Letter dated 23 October 2008 from the representative of the Islamic Republic of Iran to the Secretary-General (A/63/507-S/2008/675).

5. At its 1st meeting, on 6 October 2008, the Sixth Committee established a Working Group to continue to carry out the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210, as contained in resolution 62/71. At the same meeting, the Committee re-elected Mr. Rohan Perera (Sri Lanka) as Chairman of the Working Group. The Working Group held two meetings, on 9 and 16 October.

6. At the 2nd meeting of the Sixth Committee, on 8 October, the Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 introduced the report of the Ad Hoc Committee; and at the 14th meeting, on 24 October, the Chairman of the Working Group presented an oral report on the work of the Working Group and on the results of the bilateral contacts with delegations which were held between the sessions of the Ad Hoc Committee on 1 October, and during the current session on 13 and 14 October (see A/C.6/63/SR.2 and 14).

II. Consideration of draft resolution A/C.6/63/L.11

7. At the 26th meeting, on 14 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/63/L.11).

8. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution (see A/C.6/63/SR.26).

9. Also at the same meeting, the Committee adopted draft resolution A/C.6/63/L.11 without a vote (see para. 11).

10. Before the adoption of the draft resolution, the representatives of Egypt, Iran (Islamic Republic of) and Cuba made statements in explanation of position; after the adoption of the draft resolution, the representative of Tunisia made a statement in explanation of position (see A/C.6/63/SR.26).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the United Nations Global Counter-Terrorism Strategy in all its aspects adopted on 8 September 2006,[1] enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations, and recalling the first biennial review of the Strategy,[2] on 4 and 5 September 2008, and the debates that were held on that occasion,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[3]

Recalling also the United Nations Millennium Declaration,[4]

Recalling further the 2005 World Summit Outcome,[5] and reaffirming in particular the section on terrorism,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism, and Security Council resolutions on threats to international peace and security caused by terrorist acts,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of the latter resolution,

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[1] Resolution 60/288.
[2] Resolution 62/272.
[3] See resolution 50/6.
[4] See resolution 55/2.
[5] See resolution 60/1.

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations, and enhancing interfaith and intercultural understanding, are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of, inter alia, the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and

Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Maritime Organization, the International Civil Aviation Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005, 61/40 of 4 December 2006 and 62/71 of 6 December 2007 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Havana on 16 September 2006, which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed its previous initiative[6] calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006 and 62/159 of 18 December 2007,

Having examined the report of the Secretary-General,[7] the report of the Ad Hoc Committee established by resolution 51/210[8] and the oral report of the Chairperson on the work of the Working Group established by the Sixth Committee during the sixty-third session of the General Assembly,[9]

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United

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[6] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[7] A/63/173 and Add.1.

[8] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 37* (A/63/37).

[9] Ibid., *Sixty-third Session, Sixth Committee*, 14th meeting (A/C.6/63/SR.14), and corrigendum.

Nations Global Counter-Terrorism Strategy,[1] as well as the resolution on the first biennial review of the Strategy,[2] in all its aspects at the international, regional, subregional and national levels without delay, including through mobilizing resources and expertise;

3. *Recalls* the pivotal role of the General Assembly in following up the implementation and updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the General Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (*a*) to (*f*) of resolution 51/210;

6. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

9. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

10. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

11. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism,[10] the Amendment to the Convention on the Physical

[10] Resolution 59/290, annex.

Protection of Nuclear Material,[11] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[12] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[13] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

12. *Urges* all States that have not yet done so to consider as a matter of priority, and in accordance with Security Council resolution 1373 (2001), and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[14] the International Convention for the Suppression of the Financing of Terrorism,[15] the International Convention for the Suppression of Acts of Nuclear Terrorism, and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

13. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 12 above;

14. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 11 and 12 of resolution 62/71, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

15. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

16. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

17. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

18. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its

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[11] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[12] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

[13] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[14] United Nations, *Treaty Series*, vol. 2149, No. 37517.

[15] Ibid., vol. 2178, No. 38349.

mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

19. *Welcomes* the current efforts by the Secretariat to prepare the third edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism* in all official languages;

20. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

21. *Notes* the progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and the Working Group established by the Sixth Committee during the sixty-third session of the General Assembly, and welcomes continuing efforts to that end;

22. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism, and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

23. *Also decides* that the Ad Hoc Committee shall meet from 29 June to 2 July 2009 in order to fulfil the mandate referred to in paragraph 22 above;

24. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

25. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixty-third session in the event of the completion of the draft comprehensive convention on international terrorism;

26. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-fourth session on progress made in the implementation of its mandate;

27. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Measures to eliminate international terrorism".

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Sixty-third session
Agenda item 110

Revitalization of the work of the General Assembly

Report of the Sixth Committee

Rapporteur: Mr. Marko **Rakovec** (Slovenia)

I. Introduction

1. The item entitled "Revitalization of the work of the General Assembly" was included in the provisional agenda of the sixty-third session of the General Assembly pursuant to Assembly resolution 58/316 of 1 July 2004.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to allocate the item to all the Main Committees for the sole purpose of considering and taking action on their respective tentative programmes of work for the sixty-fourth session of the General Assembly.

3. The Committee considered the item at its 26th meeting, on 14 November 2008 (see A/C.6/63/SR.26).

II. Consideration of draft decision A/C.6/63/L.16

4. At the 26th meeting, the Chairman introduced a draft decision containing the provisional programme of work of the Committee for the sixty-fourth session of the General Assembly, as proposed by the Bureau (A/C.6/63/L.16).

5. At the same meeting, the Committee adopted draft decision A/C.6/63/L.16 (see para. 7).

6. After the adoption of the draft decision, the representatives of New Zealand and Mexico (on behalf of the Rio Group) made statements in explanation of position (see A/C.6/63/SR.26).

08-52217 (E) 021208

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Provisional programme of work of the Sixth Committee for the sixty-fourth session of the General Assembly

The General Assembly notes that the Sixth Committee has decided to adopt the following provisional programme of work for the sixty-fourth session of the General Assembly, as proposed by the Bureau:

Provisional programme of work

5 October	Organization of work of the Sixth Committee
5 and 23 October	Administration of justice at the United Nations
6, 7 and 23 October	Measures to eliminate international terrorism
8 and 23 October	Criminal accountability of United Nations officials and experts on mission
12 October	Report of the United Nations Commission on International Trade Law on the work of its forty-second session
14 October	The rule of law at the national and international levels
19 and 20 October	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
26 October-4 November	Report of the International Law Commission on the work of its sixty-first session
4 November	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
12 November	Report of the Committee on Relations with the Host Country
	Revitalization of the work of the General Assembly
	Programme planning
	Election of the officers of the Main Committees
9, 13, 15, 16 and 21 October and 5 November	Reserved

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Sixty-third session
Agenda item 119

Programme planning

Report of the First Committee

Rapporteur: Mr. Coly **Seck** (Senegal)

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Programme planning" and to allocate it to the Disarmament and International Security Committee (First Committee) as well as to all the other Main Committees and the plenary of the Assembly to enhance discussion of evaluation, planning, budgeting and monitoring reports.

2. The need did not arise for the First Committee to take up this item during the main part of the sixty-third session of the General Assembly.

08-52079 (E) 121108